



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Water Quality Protection Charge	Number	6-02
Originating Department	Department of Environmental Protection	Effective Date	

Montgomery County Regulation on:
WATER QUALITY PROTECTION CHARGE

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
DEPARTMENT OF FINANCE

Issued by: County Executive
Regulation No. 6-02

Authority: Code Section 19-35
Council Review: Method (1) under Code Section 2A-15
Register Vol. __, No. __

Comment Deadline: _____
Effective Date: _____
Sunset Date: None

Summary: This regulation establishes the procedure to set rates for and implement a water quality protection charge to be applied to certain properties based on those properties' contribution of runoff to the County's stormwater management system.

Address: Written comments on these regulations should be sent to:

Ellen Scavia, Chief
Division of Environmental Policy and Compliance
Department of Environmental Protection
255 Rockville Pike
Rockville, Maryland 20850

Glenn Wyman, Chief
Treasury Division
Department of Finance
101 Monroe Street
Rockville, Maryland 20850

Staff Contact: For further information or to obtain a copy of this regulation, contact Ellen Scavia at (240) 777-7770 or Glenn Wyman at (240) 777-8929.



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Sec. 1. Regulation

Section I. General Provisions

- A. Authority. In accordance with the authority conferred under Chapter 19, Section 19-35, of the Montgomery County Code, 1994, as amended (hereinafter referred to as the “Code”), the County Executive hereby promulgates this regulation for the purpose of implementing the County’s Water Quality Protection Charge as set forth in Chapter 19 of the Code.
- B. Applicability. This regulation applies to all owners of residential property and associated nonresidential property in Montgomery County, Maryland.

Section II. Definitions

The definitions of the terms used in this regulation are provided in Chapter 19, Section 19-21, of the Code. For purposes of this regulation, the following additional words and phrases will have the meaning respectively ascribed to them in this regulation unless the context indicates otherwise:

Base Rate – The annually designated dollar amount set by the County Council to be assessed for each equivalent residential unit of property that is subject to the Water Quality Protection Charge.

Condominium – A residential property that is subject to the condominium regime established under the Maryland Condominium Act.

Director – The Director of the Montgomery County Department of Environmental Protection or the Director’s designee.

Equivalent Residential Unit or ERU – The statistical median of the total horizontal impervious area of developed single-family detached residences in the County that serves as the base unit of assessment for the Water Quality Protection Charge. The designated ERU for Montgomery County equals 2,406 square feet of impervious surface.

Multifamily Residential Property - A mobile home park or a residential building where one or more dwelling units share a common entrance from the outside with other dwelling units that are arranged above, below or next to one another in the same building.

Water Quality Protection Charge or Charge – An assessment levied by the Director of Finance to cover the cost of constructing, operating, and maintaining facilities within the County’s stormwater management system and fund related expenses allowed under applicable state law based on the impact of stormwater runoff from the impervious areas of developed land in the County.



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Section III. Classification of Properties

For purposes of determining the appropriate assessment rate, all properties that are subject to the Water Quality Protection Charge are assigned to one of the following classifications:

- A. Detached single-family residential property: For detached single-family residential properties, the impervious area includes the house, driveways, sidewalks, sheds, and any other fixtures on the property that are impenetrable by water.
- B. Attached single-family residential property: Attached single-family residential properties, which include townhouses and duplexes, contain the same kind of, but typically less, impervious area than detached single-family residential properties.
- C. Multifamily residential property: For multifamily residential properties the impervious area includes the residential structures that contain the dwelling units, the sidewalks, parking lots and any other permanent installations on the developed parcel, whether under single or common ownership, that is impenetrable by water.
- D. Associated nonresidential property: Associated nonresidential properties may include commercial properties such as office buildings, hotels, retail establishments or industrial properties such as factories and warehouses. Associated nonresidential properties also include not-for-profit entities such as religious institutions, healthcare facilities, and other developed properties devoted to non-governmental charitable and institutional uses. The impervious area for these properties includes all buildings, parking lots, sidewalks, and any other impermeable installations permanently attached to the land parcel containing those installations.

Section IV. Rates

- A. Detached single-family residential properties: The Charge for each detached single-family residential property is the full applicable base rate for one ERU.
- B. Attached single-family residential properties: The Charge for each attached single-family residential property is 33 percent of the applicable base rate for one ERU.
- C. Multifamily residential properties: The Charge for each multifamily residential property is based on the number of ERUs assigned to the property in accordance with the following procedure:
 - 1) The Director determines the number of ERUs for a multifamily residential property by dividing the property's actual impervious area by the designated ERU for Montgomery County.
 - 2) The Director computes the billable Charge by multiplying the base rate by the total number of ERUs assigned to the property.



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- 3) 3) If the multifamily residential property is a condominium development, the Director calculates the Charge to be billed in equal shares to the owners of the development by dividing the total ERUs calculated for the property by the number of individual condominium units and then multiplying the sum by the base rate to determine the amount billable to each unit owner.

- D. Associated nonresidential properties: The Charge for the owner of each associated nonresidential property is based on the number of ERUs assigned to the property in accordance with the following procedure:
- 1) The Director determines the number of ERUs for an associated nonresidential property by dividing the property's actual impervious area by the designated ERU for Montgomery County.
 - 2) The Director computes the billable Charge by multiplying the base rate by the total number of ERUs assigned to the property.

Section V. Billing and Payment

- A. The Director must prepare and forward to the Director of Finance the necessary data for collecting the Water Quality Protection Charge from owners of property subject to the Charge. The data must include the identification of every parcel to be charged and the amount of the Charge.
- B. The Director of Finance must include the Charge as a separate line item on the real estate tax bill for each property subject to the Charge.
- C. The Director of Finance must deposit all payments collected under this Section into a County stormwater management fund.
- D. Unless the Charge billed to a property owner is under active appeal, interest on an overdue payment accrues according to the same schedule and at the same rate charged for delinquent real property taxes until the owner has remitted the outstanding payment and interest. An unpaid Charge is subject to all penalties and remedies that apply to unpaid real property taxes. If the unpaid Charge becomes a lien against the property, the lien has the same priority as a lien imposed for nonpayment of real property taxes.



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Section VI. Requests for Adjustment; Appeals

- A. A property owner may request a review and adjustment of the Charge by petitioning the Director in writing within 21 days after the property owner receives a bill for the Charge if the property owner believes that the Charge has been assigned or calculated incorrectly.
- B. When submitting a petition for review of the Charge, the property owner must include a detailed statement of the basis for the petition and documents supporting the property owner's assertion that the property should be assigned to a different classification, the impervious area measurements used to calculate the ERUs for the property are incorrect, or the property is not subject to the Charge under applicable law.
- C. After receiving the petition, the Director will review the Charge assigned to the property and make a written determination of whether the property owner's request for an adjustment of the Charge should be granted or denied. The Director may request additional information from the property owner that the Director reasonably believes will help the Director decide whether the property owner is entitled to an adjustment.
- D. If the Director concludes that the Charge was levied by mistake or resulted from an inaccurate computation, the Director will submit the corrected data to the Department of Finance with a request for an adjustment to the property owner's bill. After receiving the Director's request, the Director of Finance will make an appropriate adjustment based on the new data submitted by the Director.
- E. If the Director concludes that some or all of the requested adjustment should be denied, the property owner may seek reconsideration of the Director's conclusion by submitting a written request for reconsideration with supporting reasons to the Director within 10 days after the date of the Director's written decision.
- F. If the Director does not approve the request for reconsideration, the property owner may appeal the Director's final decision within 10 days after the Director issues that decision as provided in Article I of Chapter 2A.
- G. The County Board of Appeals is the designated authority charged with hearing and deciding all appeals taken from the Director's final decision to deny any relief requested under this Section.



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Sec. 2. Severability

If a court holds that a portion of this regulation is invalid, the other portions remain in effect.

Sec. 3. Effective Date

This regulation takes effect 30 days after approval by the County Council.

Douglas M. Duncan,
County Executive

Approved as to Form and Legality
Office of County Attorney

By _____

Date 2/13/02